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INTERMODAL COUNCIL

Maryland Motor Truck Association, Inc.

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April 16, 1999

ORIGINAL

Docket Clerk
U.S. DOT Dockets
Room PL-40 1
400 Seventh Street, SW
Washington, DC 20590-000 1

To Whom It May Concern:

FHWA-98-3656-48

The Maryland Motor Truck Association (MMTA) Inter-modal Council files these comments in response to the Federal Register Advanced Notice of Proposed Rulemaking (ANPRM), Docket No. FHWA 98-3656, RIN 2125-AE40, regarding General Requirements Inspection, Repair and Maintenance, Intermodal Container Chassis and Trailers.

Jurisdiction

The jurisdiction of the Federal Highways encompasses areas which at first glance appear to cover only the trucking industry. A closer review of your jurisdiction describes railroads, steamship lines, pier operators and any other parties that own or lease intermodal commercial vehicles and thus are subject to the FHWA regulations. With this expanded jurisdiction of the railroads, steamship lines, etc., the question arises about the required Federal Department of Transportation (F.D.O.T.) number for this category of leased or owned vehicles, i.e. intermodal container chassis.

You have stated in your request for comments that you believe it is a joint responsibility between equipment providers, steamship lines, railroads and other parties. The fact that you consider anyone who owns or leases a commercial vehicle subject to the FHWA regulations opens the responsibility even wider.

Question 1

What is the out of service rate for inter-modal container chassis or trailers inspected?

Obviously, we in the trucking community do not have these facts or any of the additional questions in Question 1. The MMTA Intermodal Council has, through the cooperation of and an agreement with the Maryland State Police/Commercial Vehicle Enforcement Division and other law enforcement members, begun a special project in the state of Maryland.

Beginning April 1 through October 30, 1999, the law enforcement officers charged with the motor carrier inspection in Maryland will document through a Special Study Project Number 9902 (copy attached) to record all inspections that are given to the intermodal

container chassis. This special project should give some answers similar to the ones asked in questions 1, 2 and 4. The Maryland State Police have assured MMTA that at the end of the special study, we will be able to access the statistics achieved by this study.

Question 2

What is the violation rate (the average number of equipment-related violations of the FMCSRs found per inspection) for intermodal container chassis or trailers inspected at roadside?

Please see response to Question 1.

Question 3

Why does the Uniform Intermodal Interchange and Facilities Access Agreement disavow all responsibility for the fitness of intermodal equipment? Because in 1970/71 when the original Agreement was “negotiated” the U. S. Railroad Industry dictated what they wanted to the trucking and steamship companies and announced that this was the only Agreement they could live with and if they didn’t get it they would embargo containerized freight.

Question 4

While we do not have data for this particular question, we do hope that the special study could be expanded throughout the country, which could give a better answer to Questions 1, 2 and 4.

Question 5

In the state of Maryland, whenever any type of motor vehicle violation occurs, the operator of the vehicle is charged as the defendant. Because the law does not allow a citation to be issued against a company, the driver is always burdened with the responsibilities of responding to any charges. We are aware that other states do allow corporations to be charged with violations that are usually attributed to the vehicle, i.e. equipment violations.

In reviewing this type of enforcement, many questions arise dealing with container violations. Who actually owns, leases, controls or is responsible for the container chassis? Most intermodal companies would love to see the responsible person for the trailer be charged with the violation. Many trailers are leased and the law enforcement officers are not sure who is responsible for the trailer’s condition. However, the driver can supply the responsible company, steamship line, etc. Until Maryland law is changed, the drivers will continue to receive the citation.

Question 6

Should the party that tendered the intermodal vehicle be held responsible for all defects irrespective of the length of time?

Members of the MMTA Intermodal Council feel that the tender of the vehicle should always be held responsible. As most movements of the container are a one-time event,

usually one way, most operators only deal with that particular trailer one time, never to see or deal with the vehicle again.

Question 7

Problems with walk-around inspections.

As required in the Federal Department of Transportation 392.7, the operator is required to do a pre-trip inspection of his vehicle. Obvious defects which should have been observed, but were not corrected before entering the public highway, could cause the driver to receive a citation not only for the violation, but also for failure to do a pre-trip as required. Most drivers at inter-modal locations do have the time to do the walk around, but they cannot do other areas of inspection due to their limited resources, i.e., brake inspections, etc.

Question 8

The terminals at the Port of Baltimore have maintenance facilities and personnel. Because of the overwhelming number of trailers that pass through the port, many times the trailer is not inspected as required by the D. O. T. Inspection stickers are placed on vehicles that may not really qualify, because port personnel do not care, because they do not have time, or it becomes an attitude problem. Many times, trailers that have an “out of service” decal placed on them have then removed by persons who need a trailer but don’t care about the condition.

Question 9

The annual vehicle inspection that is required under Federal Motor Carrier Safety Regulation Part 396.17 allows persons who control the trailers to mark or place stickers on the trailer denoting that the vehicle complies with the annual inspection requirements.

The major problem is that most trailers are registered in other states that may require the vehicle to be inspected in the home state. The state of Maryland has been given the authority to allow the use of the Maryland registration card as a document that acknowledges that the vehicle is in a required inspection program. The other serious problem is that a majority of the trailers do not have any inspection reports. In fact, keeping the registration secure is another problem for the driver as he changes trailers with every load.

Questions 10, 11 and 12

We are unable to respond to the questions. The statistics are not kept by enforcement personnel in Maryland.

Question 13

Could the safety objectives be accomplished with more frequent inspections with proof available within a day or two reference a D.O.T. audit?

With the trailers continually being moved about, the need for a six-month inspection time frame would help. The bigger question would be: Who would be the responsible party to

the more frequent inspection and who would maintain the forms if the D.O.T. requested them?

Question 14

What has the private sector done to resolve the problem of maintenance of inter-modal trailers?

In the Port of Baltimore, there are two chassis pool operations.

At Seagirt, there is a co-op pool involving four steamship lines. The program sounds good and could be a big help, but only if the steamship lines would allow them to manage the pool and make all of the repairs needed to make this equipment roadworthy. There are dollar limits that they can spend, which results in many chassis being out of service because the steamship lines will not ok the repair expenses.

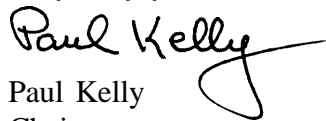
The Dundalk chassis pool was started up prior to Seagirt and at this point only has three steamship lines. Again being managed by a private company but still must get approval from steamship lines for repairs and not enough chassis in the pool.

Chassis pools have a good concept, however, as long as the steamship lines hold the cost of repairs and do not provide good chassis for the pool, it will not work. Also, as you can see, not enough steamship lines participating.

Other than the chassis pool, there is no other action that the private sector can do to the steamship lines equipment. That is why all citations should be issued to the steamship lines on their equipment. Make them responsible and the problem will be solved.

It is MMTA Intermodal Council's position that the steamship companies and the railroad companies that own or lease this equipment must be held totally liable for the cost of any violations found at U.S. D.O.T. roadside exams. Then and only then will they be forced to perform the inspections and repairs of the chassis before mounting them with containers for delivery out of the terminal. Furthermore the trucking company should not sustain a notation on its safety record for these violations. If you desire further comment or explanation of our comments, we will be most happy to oblige.

Very truly yours,

A handwritten signature in black ink that reads "Paul Kelly". The signature is stylized with a long, sweeping underline that extends to the right.

Paul Kelly
Chairman

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cc: Sam Farruggio, Chairman ATA Intermodal Conference
Thomas J. Malloy, Executive Director, ATA Intermodal Conference

No. TI- 924501

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P. 4/4

MILITARY

MARYLAND MOTOR CARRIER SAFETY PROGRAM
MARYLAND STATE POLICE
901 ELKRIE LANDING RD., SUITE 300
LINTHICUM HEIGHTS, MD 21080
(410) 694-6100

INSPECTION LOCATION		LOCATION CODE	CO. CODE	INSPR. CODE	CREW CODE	CREW IDENTIFIC
VEH. SELECT RANDOM DEFECT OTHER	TYPE OF FACILITY FIXED ROADSIDE		US DOT CENSUS NO.		STATE NO.	ICC DOCKET NO.

NAME OF MOTOR CARRIER	ADDRESS	CITY	STATE	ZIP
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DRIVER IDENTIFICATION			DRIVER'S LICENSE NO.		ISSUED BY	BIRTHDATE
LAST	FIRST	MIDDLE	STATE		MO.	DAY

NAME OF SHIPPER	SHIPPING PAPER NO.	CARGO TANK MC SPEC.	DOT EXEMPTION NO. ("E" No.)	FLEET/NO.	DATE
				F/I	

COMMODITY TRANSPORTED	ORIGIN	DESTINATION
	CITY STATE	CITY STATE

HAZARDOUS MATERIALS TRANSPORTED

Division 1.1	Division 4.1	CODE	RQ?	EW?
Division 1.2	Division 4.2			
Division 1.3	Division 4.3			
Division 1.4	Division 5.1			
Division 1.5	Division 5.2			
Division 1.6	Division 6.1			
Division 2.1	Division 6.2			
Division 2.2	Class 7	Placards Required? <input type="checkbox"/>		
Division 2.3	Class 8			
Class 3	Class 9			

VEHICLE IDENTIFICATION

UNIT NO.	UNIT TYPE	YR.	MAKE	COMPANY NO.	LICENSE NO. & STATE
1					
2					
3					
4					

Unit Type: TR = Straight Truck TT = Truck Tractor ST = Semi Trailer PT = Pole Trailer
FT = Full Trailer DC = Daily Converter BU = Bus OT = Other

OOS DEFECT VERIFICATION

A. REPAIRED AT SCENE	C. RESTRICTED SERVICE	U. UNKNOWN
B. TOWED/ESCORTED	D. OTHER	

INSPECTOR'S SIGNATURE	DATE	UNIT NO.	OUT OF SVC	OOS DEFECT VERIF.	BRAKE PUSH ROD STROKE	AXLE NO.	1	2	3	4	5	6
						RIGHT						
						LEFT						

ALCOHOL/CONTROLLED SUBSTANCE TEST	Y/N	DRUG INTERDICTION SEARCH	Y/N	DRUG INTERDICTION ARRESTS	NO.	SIZE AND WEIGHT ENFORCEMENT	Y/N	TRAFFIC ENFORCEMENT
CITATIONS & SECTIONS		C.V.S.A. DECAL ISSUED?		Y/N	UNIT NO.	UNIT NO.	Do not enter in cases the return of this r	
OFF.	SEC.	OFF.	SEC.		UNIT NO.	UNIT NO.	TOTAL FINE AM	
OFF.	SEC.	OFF.	SEC.		WARNING(S)		S.E.R.Q.(S)	

☐ Pursuant to authority contained in Title 49, Code of Federal Regulations, Section 396.9, and in accordance with TA25-111, Annotated Code of Maryland, I hereby declare with defects followed by an "X" in the "Out of Service" column in the violations discovered section this report Out of Service. No person shall remove the out of service stickers to these vehicles, or operate such vehicles until the out of service defects have been repaired and the vehicles have been restored to safe operating condition.

☐ Pursuant to authority contained in Title 49, Code of Federal Regulations, Section 395.13, and in accordance with TA25-111, Annotated Code of Maryland, I hereby notify and the driver named on this report Out of Service. This driver may not and no Motor Carrier may permit or require this driver to drive or operate any Motor Vehicle until

REPORT PREPARED BY (SIGNATURE)	TIME FINISH	COPY RECEIVED BY (DRIVER SIGNATURE)

NOTE TO DRIVER/MOTOR CARRIER: This report must be furnished to the motor carrier whose name appears at the top of this report. Please sign the below certification and re-report to the address above within fifteen days. Do not send in collateral with the return of this report. All collateral associated with this report must be retained (as per 49 CFR 396.11) for 1 of the citation to: U.S. Ticket Room, 2681 Riva Road, Bldg. 900, Annapolis, Maryland 21401-4230. ATTN: MATS-TR. Failure to forward the appropriate collateral to proper authority may in further sanction imposed by the Maryland Motor Vehicle Administration.

The undersigned certifies that all violations noted on this report have been corrected and action has been taken to assure compliance with the Federal/State Motor Carrier Safety and Hazardous Material Regulations as they are applicable to motor carriers and drivers.

SIGNATURE OF CARRIER OFFICIAL	TITLE	DATE SIGNED
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